

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 are pending, Claim 1 is amended by the present amendment.

In the Official Action, Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rydbeck et al. (U.S. Patent No. 6,108,562, hereinafter Rydbeck) in view of Bamburak et al. (U.S. Patent Publication No. 2004/0219915, hereinafter Bamburak); Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Korpela (U.S. Patent No. 5,946,624) in view of Bamburak; and Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Korpela in view Rydbeck and Bamburak.

Claim 1 is amended to recite that the software/unit identifies a communications service available to the communications terminal based on customer information existing in the core network. Support for this amendment is found in Applicants' originally filed specification.<sup>1</sup> No new matter is added.

Applicants also note that the above feature added to Claim 1 via this amendment was previously added to independent Claims 5 and 6 via Applicants' Amendment of March 23, 2006. Applicants submit that the rejections of Claims 5 and 6 in the outstanding Official Action are deficient because this feature was not discussed in the outstanding Official Action. That is paragraphs 6 and 7 of the Official Action discuss features previously pending and do not discuss the features added to Claims 5 and 6 via the Amendment of March 23, 2006. Furthermore, for the reasons stated below, the feature in question is not disclosed in any of the applied references.

Briefly recapitulating, amended Claim 1 is directed to a communication terminal capable of utilizing a plurality of radio communication services respectively provided by a

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<sup>1</sup> Specification, page 12, lines 25-30.

plurality of radio communication systems establishing a shared radio communication system. The communication terminal includes a hardware processing unit for performing common hardware processing necessary for utilizing the radio communication services; an IC card that stores a plurality of communication software packages necessary for the respective radio communication services; and a software selection unit that *identifies a communication service available to the communication terminal based on customer information existing in the core network*, and selects one communication software package out of the communication software packages stored in the IC card for utilizing the specified and available communication service. The communication terminal also includes a software executing unit that executes the selected communication software package.

Rydbek describes a method and apparatus for communications between a mobile telephone and at least one communications network not supported by the mobile telephone. A converter interfaces to the mobile telephone to support said communications. The converter includes a controller for controlling operations of the converter and for selecting a communications network for use by the mobile telephone.<sup>2</sup>

In Rydbek a controller 160 has knowledge of which communication protocols are supported by the mobile telephone 100 based on which communications modules 120 are attached to the converter 110. Thus, the controller 160 determines which communication networks 200 are available in the current location of the mobile telephone 100. When communication is to be established with the mobile telephone 100, the controller 160 selects one of the communication networks 200 and connects the man machine interface 105 via interface 230 and switch 120.<sup>3</sup> When communication is to be established with a mobile telephone, the controller selects a network and associated communications module (step 330)

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<sup>2</sup> Rydbek, Abstract.

<sup>3</sup> Rydbek, column 3, lines 35-51 and column 4, lines 50-66.

based on any pre-programmed criteria. Examples of this pre-programmed criteria described in Rydbek include a user selected priority or priority based on cost.<sup>4</sup>

However, Rydbak fails to disclose or suggest identifying a communication service available to the communication terminal based on customer information existing in the core network, and selecting one communication software package out of the communication software packages stored in the IC card for utilizing the specified and available communication service.

Bamburak describes a communication device that registers with a less preferred service provider in a first frequency. While remaining registered with the less preferred service provider, the device examines several frequencies in an order specified by the frequency serve schedule. The device determines whether the last frequency used by the communications device as a more preferred service provider. If the last frequency used does not have a more preferred service provider, the device examines each of the plurality of frequencies in the predetermined order in the search schedule. The examination continues until another frequency band having a more preferred service provider is located. The communications device that registers with the more preferred service provider.<sup>5</sup>

However, like Rydbak, Bamburak fails to disclose or suggest identifying a communication service available to the communication terminal based on customer information existing in the core network, and selecting one communication software package out of the communication software packages stored in the IC card for utilizing the specified and available communication service.

MPEP §706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

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<sup>4</sup> Rydbek column 5, lines 39-43.

<sup>5</sup> Bamburak, Abstract.

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Without addressing the first two prongs of the test of obviousness, Applicants submit that the Official Action does not present a *prima facie* case of obviousness because both Rydbak and Bamburak fail to disclose all the features of Applicants' invention as recited in Claims 1-4.

Regarding Claims 5 and 6, Korpela describes a mobile terminal 10 having multiple alternative protocol stacks (151, 152...) which correspond to the protocols used on mobile backbone networks (30a-30c) to which the mobile terminal can obtain access. A radio access network 20 broadcasts signals 102 indicating the types of backbone network to which it is connected, and on counteracting a signal indicating a new type of backbone network, a mobile terminal 10 may download a new protocol stack from the radio access network.<sup>6</sup> The mobile terminal 10 may, in idle mode, detect network identification and network type signals from a plurality of backbone networks via each radio access network. When a user wishes to initiate a session, either a voice call or a data session using a computer, etc., the terminal control device 15 determines the type of session (i.e., the application) and selects the best available protocol to use (if several different data formats could support possession). According to Korpela, the choice may take into account cost and quality of service factors discussed in [non-applied] PCT application WO 96/28947.

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<sup>6</sup> Korpela, Abstract.

However, like Rydbek and Bamburak, Korpela fails to disclose or suggest identifying a communication service available to the communication terminal based on customer information existing in the core network, and selecting one communication software package out of the communication software packages stored in the IC card for utilizing the specified and available communication service.

As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1, 5 and 6, Applicants submit the inventions defined by Claims 1, 5 and 6, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.<sup>7</sup>

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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<sup>7</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."